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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,376	04/22/2004	Elisabetta Carrea	003-130 7097 EXAMINER	
36844	7590 08/22/2006			
CERMAK & KENEALY LLP			RODRIGUEZ, WILLIAM H	
515 E. BRADDOCK RD SUITE B		ART UNIT	PAPER NUMBER	
ALEXANDR	ALEXANDRIA, VA 22314			
			DATE MAILED: 08/22/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		10/829,376	CARREA ET AL.			
		Examiner	Art Unit			
		William H. Rodríguez	3746			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. It is period for reply is specified above, the maximum statutory period we re to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION B6(a). In no event, however, may a reply be time rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status						
1)⊠	Responsive to communication(s) filed on 06 July 2006.					
2a) <u></u> □	This action is FINAL . 2b)⊠ This action is non-final.					
3)[Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
5)□ 6)⊠ 7)⊠	Claim(s) <u>1-42</u> is/are pending in the application. 4a) Of the above claim(s) <u>4-7,9-19,23-26 and 2</u> Claim(s) is/are allowed. Claim(s) <u>1-3,20-22,41 and 42</u> is/are rejected. Claim(s) <u>8 and 27</u> is/are objected to. Claim(s) are subject to restriction and/or	<u>8-40</u> is/are withdrawn from consid	deration.			
Application Papers						
10)	The specification is objected to by the Examiner The drawing(s) filed on is/are: a) acce Applicant may not request that any objection to the o Replacement drawing sheet(s) including the correcti The oath or declaration is objected to by the Example.	epted or b) objected to by the Edrawing(s) be held in abeyance. See on is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority u	ınder 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachmen		<u>_</u>				
2) Notice	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:				

DETAILED ACTION

This office action is in response to the amendment and remarks filed 7/6/06. Since the examiner has applied new grounds of rejection, this office action is being made non-final to afford the applicant the opportunity to respond to the new grounds of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-3, 20-22, 41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Sherman et al. (US. 3,851,467).

With respect to claims 1-3 and 41, Sherman teaches a gas turbine comprising: a compressor for compressing an oxidant and heating said oxidant by compression work in said compressor, a combustion chamber adapted to accept the compressed oxidant and including an exit means for flue gas and a turbine, wherein flue gas exiting the combustion chamber is recirculated at a rate of from 100% to 200% and wherein said flue gas is re-circulated inside the combustion chamber. See particularly Figure 1 and column 1 lines 39-40.

With respect to claims 20-22 and 42, since Sherman has the same structure as claimed, it is inherent that Sherman's device would be able to perform the recited method steps. See particularly Figure 1 and column 1 lines 39-40.

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Allowable Subject Matter

3. Claims 8 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to claims 1-3, 20-22, 41 and 42 have been considered but are most in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brandon et al. (US 3,826,083) teaches a gas turbine comprising: a compressor for compressing an oxidant and heating said oxidant by compression work in said compressor, a combustion chamber adapted to accept the compressed oxidant and including an exit means for flue gas and a turbine, wherein flue gas exiting the combustion chamber is re-circulated at a rate of 200% or better and wherein said flue gas is re-circulated inside the combustion chamber. See particularly Figure 1 and column 1 lines 39-40. Notice that the range being claimed of from 100% to 200% is anticipated by Brandon's re-circulation rate of 200%.

Wunning (US 5,154,599) teaches a combustion chamber adapted to accept a compressed oxidant and including an exit means for flue gas, wherein flue gas exiting the combustion chamber is re-circulated at a rate of 200% or better and wherein said flue gas is re-circulated inside the combustion chamber. See particularly Figures 1, 2 and 4; and abstract, column 2 lines

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39-40. Notice that the range being claimed of from 100% to 200% is anticipated by Wunning's

re-circulation rate of 200%.

Contact information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to William H. Rodríguez whose telephone number is 571-272-4831.

The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

graduler 8/18/00

Primary Examiner
Art Unit 3746